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PP RUEHBC RUEHDE RUEHIHL RUEHKUK
DE RUEHGB #3843 3291549
ZNY CCCCC ZZH
P 251549Z NOV 07
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC PRIORITY 4510
INFO RUCNRAQ/IRAQ COLLECTIVE PRIORITY

C O N F I D E N T I A L BAGHDAD 003843

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E.O. 12958: DECL: 11/25/2017

TAGS: PGOV PREL I2

SUBJECT: THE DE-BAATH LAW GETS ITS FIRST READING WITH VOCAL REACTIONS

Classified By: PolCouns Matt Tueller for reasons 1.4 (b) and (d).

¶1. (SBU) Summary: On November 25 the Justice and Accountability law (i.e., the "de-Ba'ath law") received its first reading in the Iraqi Council of Representatives (COR). The reading was repeatedly disrupted by the Sadr Bloc and a handful of Kurdish and Shi'a MPs protesting that the law contradicted the constitution and therefore should not receive its first reading. Further action from the COR will depend on the report from the COR's Legal Committee. End Summary.

Pandemonium in the Parliament

¶2. (SBU) On November 25 the de-Ba'ath law received its first reading in the Iraqi parliament. Although the draft law was the sixth item on the agenda, the COR took it up almost immediately, as there were not enough members present to deal with the preceding three items on the agenda. As soon as COR Speaker Mahmoud Mashhadani introduced the topic, several members, including the entire Sadrists Bloc and some other Kurdish and Shi'a MPs, objected to the reading on the grounds that the draft law contradicted the constitution. Mashhadani explained that the purpose of the first reading was merely to introduce the law to parliament, after which MPs could debate its merits. As the reading progressed, the Sadrists Bloc grew louder in its protests. The Sadrists MPs repeatedly banged their desks and led chants to "Remember the Martyrs" and "Eliminate all Ba'athist militias." At one point MP Adil Tawfeeq Barwani (KDP) flung papers at the Presidency Council dias and shouted "Shame on you!" to Mashhadani. The Legal Committee Chair, Baha al-Araji (himself a Sadrists), urged his "brothers and sisters" to stop their protests, without success. The uproar died down only after completion of the first reading.

¶3. (SBU) Once the bill was read, a pained-looking Mashhadani stood at the lectern and paternalistically chided the MPs for their protests, stressing that the Council of Ministers (COM) had legally and transparently transmitted the draft to the COR. He urged the MPs to respect the COR's by-laws. Then, saying "I'm not a Ba'athi, I'm not afraid," he read a report from the COR's de-Ba'athification Committee on the draft law. The report concluded that Article 28 of the draft ("The High National Commission for de-Ba'athification shall be dissolved six months after the entry of this law into force") contradicted Article 135 of the Iraqi Constitution, which outlines the relationship between the COR and the High Commission for de-Ba'athification. Mashhadani concluded that the COR's Legal Committee needed to study the matter and submit a report, adding that if there was a contradiction the COR could choose to either amend the law or return it to the COM.

¶4. (C) Comment: The day's atmospherics emphasize the continuing tensions over the draft legislation and the ability of a vocal minority to all but paralyze Iraq's

parliament. The next steps for the law will depend on the verdict of the Legal Committee. If the committee rules the law does indeed contradict the constitution, then the COR can either amend it or return it to the COM. Opponents will rally around the latter option, which in all likelihood would delay the draft's passage until the Spring of 2008. We will weigh in with the committee leadership and key political bloc leaders this week to urge that any changes to the bill be made in the COR, and that the bill not/not be returned to the COM.

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